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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **STIPULATION OF DISMISSAL AND [PROPOSED] ORDER**

Dockets.Justia.com

WHEREAS, Plaintiffs Facebook, Inc. and Mark Zuckerberg filed its Second Amended Complaint for Violation of California Penal Code § 502(c); California and Massachusetts Common Law Misappropriation / Unfair Competition; Violation of Massachusetts General Law 93A; 18 U.S.C. § 1030; and 15 U.S.C. §§ 7704 and 7705, on May 30, 2007;

WHEREAS, Plaintiffs and Defendant David Gucwa settled this matter on or about January 28, 2008;

THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and Mr. Gucwa through their designated counsel that the above-captioned action should be dismissed without prejudice as to Mr. Gucwa pursuant to FRCP 41(a)(1)(A). The parties further stipulate that, except as set forth in the January 28, 2008 Settlement Agreement between them, the parties shall bear their own attorney's fees, expenses and costs.

IT IS SO STIPULATED.

Dated: February 15, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Theresa A. Sutton /s/
Theresa A. Sutton
Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK ZUCKERBERG

Dated: February 15, 2008

DECHERT LLP

/s/ Valerie Wagner /s/
Valerie Wagner
Attorneys for Defendant
DAVID GUCWA

Filer's Attestation: Pursuant to General Order No. 45, §X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from its signatory.

Dated: February 15, 2008

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton

The Court having considered the stipulation of the parties, and good cause appearing therefor, orders as follows:

1. The action is dismissed without prejudice as against Defendant Gucwa pursuant to FRCP 41(a)(1)(A).

2. Each party shall bear their own costs and attorneys' fees.

3. The Court shall retain jurisdiction over this matter to enforce the terms of the January 28, 2008, Settlement Agreement.

IT IS SO ORDERED.

Dated: ____________________

____
Honorable Richard Seeborg
United States Magistrate Judge
Northern District of California

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 15, 2008.

Dated: February 15, 2008.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton